

UNITED STATES BANKRUPTCY COURT
For The Western District of Michigan

in the matter of:

KAY NADINE INGLES
7204 East Grand River
Portland MI 48875

Debtor.

Case Number: GG 04-11953
Chapter Seven (7) Filed: 10-04-04
Honorable James D. Gregg
Jeff A. Moyer, Trustee

Notice to Creditors and Other Parties in Interest

YOU ARE HEREBY NOTIFIED THAT A **HEARING will** be held at the United States Bankruptcy Court, One Division Avenue, N.W., Third Floor, Courtroom B, **Grand Rapids, Michigan on Wed., Sept. 20, 2006 at 1:30 p.m.** to consider & act upon the following matter:

Trustee's Motion for Order Approving Sale of Property of the Estate.
a copy of motion is enclosed

If you want the court to consider your views on this matter, attend the hearing on the date stated above.

Your rights may be affected. You should read the documents carefully and discuss them with your attorney. (If you do not have an attorney, you may wish to consult one.)

You or your attorney may wish to file a response to the motion explaining your position. Any response shall be filed with the clerk of the U.S. Bankruptcy Court, One Division Avenue, N.W., Room 200, Grand Rapids MI 49503, and should be received by the clerk at least 3 (three) days before the hearing date. A copy of your response should also be mailed upon the party filing the motion and his/her attorney.

If you or your attorney do not take these steps, the court may decide to grant the relief sought in the motion or petition, and may enter an order granting the relief requested.



Daniel M. LaVille, Clerk of Court

David G. Scalici, Deputy Clerk
Dated: 8-17-06

NOTICE IS HEREBY GIVEN THAT THE COURT MAY, in its discretion, orally continue or adjourn the above hearing on the record in open court. If this occurs, parties in interest will not be given further written notice of the continued or adjourned hearing. If an entity is not present at the originally scheduled hearing, information regarding the time, date and place of an orally continued or adjourned hearing may be obtained at the clerk's office from the court files or docket.

A copy of this notice & motion forwarded to noticing center for service.
Court to Serve Official Buyer's List.

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In Re:

Case No. GG 04-11953

KAY NADINE INGLES,

Chapter 7; Filed: 10/4/04

Debtor.

Honorable James D. Gregg

MOTION FOR ORDER APPROVING SALE OF PROPERTY OF THE ESTATE

The Chapter 7 Trustee, Jeff A. Moyer, by and through his counsel, Andrew J. Gerdes, PLC, states as his Motion to the Court the following:

1. Kay Nadine Ingles ("Debtor") filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on October 4, 2004.

2. Jeff A. Moyer is the duly-appointed, qualified and acting Trustee in the Chapter 7 case.

3. Debtors listed on her bankruptcy schedules a 2002 Skyline mobile home, S/N 9T380487PAB, subject to a security interest in favor of SunTrust Bank.

4. The Trustee determined that the security interest of SunTrust Bank was not properly perfected and initiated an adversary proceeding, Moyer v. SunTrust Bank, A.P. No. 06-80274, to avoid SunTrust Bank's security interest and recover the security interest for the benefit of the estate.

5. In the adversary proceeding, the parties stipulated to a judgment avoiding SunTrust Bank's security interest. A copy of the judgment is attached as Exhibit A. Accordingly, the Trustee holds the security interest.

The Proposed Sale Agreement

6. Debtor and Trustee have entered into an agreement for Debtor to purchase the security interest in the mobile home for \$30,000 (the "Sale Agreement"). A true and accurate copy of the Sale Agreement is attached as Exhibit B.

7. The terms of the Sale Agreement are cash or certified funds to be paid within five (5) days of this Court's order approving the Sale Agreement becoming a final order. The Sale Agreement is subject to higher and better offers.

Request for Relief

8. The Trustee is seeking approval of the Sale Agreement. The security interest is being sold on an "as is" and "where is" basis and no warranty is being made whatsoever.

9. This sale shall be subject to the approval of the United States Bankruptcy Court for the Western District of Michigan. Upon approval of the sale, the purchase price shall be paid within five (5) days after the 10-day appeal period has run.

10. The Trustee believes that approval of the sale as outlined above is in the best interests of the estate and that it should be approved.

11. Any objections to this sale must be made in writing, and shall be filed with the Bankruptcy Court with a copy served upon counsel for the Trustee at the address set forth below. Any objections must be filed and served no later than three (3) business days prior to the date of the hearing on the approval of the sale.

12. The Trustee further requests that this Motion be noticed out to the Buyers' List for review, consideration and possible bid.

13. The Trustee shall solicit and accept additional bids for the security interest. Any additional bids must be cash bids, on these terms, with the first successive bid to be in the amount of at least \$31,000, and bid increments to be set in the discretion of the Trustee. No

other offer on any other terms shall be considered. Any successful bidder, other than the Purchaser, must provide a deposit of \$5,000 to the Trustee within one (1) day of the entry of an order approving the sale to such bidder. The Trustee shall have the discretion to determine what constitutes the highest and best offer for the security interest.

WHEREFORE, the Trustee, Jeff A. Moyer requests the Court grant the following relief:

- A. Enter an order in the form of Exhibit C authorizing Jeff Moyer to sell the security interest as outlined above,
- B. Schedule a hearing on the approval of the sale as soon as the Court's docket permits, and
- C. Grant such other, further or different relief as may be just and equitable under the circumstances.

Respectfully submitted,

ANDREW J. GERDES, PLC
Attorneys for Jeff A. Moyer, Chapter 7 Trustee
of Kay Nadine Ingles

Dated: August 16, 2006

By: /s/ Andrew J. Gerdes
Andrew J. Gerdes (P47593)
Business Address:
1500 Abbott Road, Suite 105
P.O. Box 4190
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(517) 853-1300
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**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In Re:

Case No. GG 04-11953

KAY NADINE INGLES,

Chapter 7; Filed: 10/4/04

Debtor.

Honorable James D. Gregg

JEFF A. MOYER, Chapter 7 Trustee,

Plaintiff,

v.

Adv. Proc. No. 06-80274

SUNTRUST BANK,

Defendant.

Plaintiff, Jeff A. Moyer, Chapter 7 Trustee ("Trustee") and Defendant, SunTrust Bank ("SunTrust"), by and through their respective counsel, hereby stipulate to the entry of the attached Judgment Avoiding Security Interest.

/s/ Andrew J. Gerdes

Andrew J. Gerdes
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East Lansing, MI 48826-4190
Telephone: (517) 853-1300
Email: agerdes@tds.net
Attorneys for Jeff A. Moyer, Trustee

/s/ William J. Becket

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Licensed in PA only, PA Bar 76034
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Telephone: (610) 644-7800
Email: wbecket@becket-lee.com
Attorneys for SunTrust Bank

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

In Re:

Case No. GG 04-11953

KAY NADINE INGLES,

Chapter 7; Filed: 10/4/04

Debtor.
_____ /

Honorable James D. Gregg

JEFF A. MOYER, Chapter 7 Trustee,

Plaintiff,

v.

Adv. Proc. No. 06-80274

SUNTRUST BANK,

Defendant.
_____ /

JUDGMENT AVOIDING SECURITY INTEREST

Plaintiff Jeff A. Moyer and Defendant SunTrust Bank, by and through their respective counsel, having stipulated to the entry of this Judgment and the Court being otherwise duly advised in the premises;

IT IS HEREBY ORDERED THAT:

1. The Trustee is awarded judgment on Counts I and IV of his Complaint avoiding the security interest in favor of SunTrust Bank in the 2002 Skyline mobile home, S/N 9T380487PAB, under the provisions of 11 U.S.C. § 544 and preserved for the benefit of the estate pursuant to 11 U.S.C. § 551.

2. Counts II and III of the Complaint are dismissed with prejudice.

3. Each party shall bear its own costs and attorneys' fees.

END OF ORDER

Signed: July 31, 2006




Hon. James D. Gregg
United States Bankruptcy Judge

ANDREW J. GERDES, P.L.C.

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VIA FACSIMILE

July 28, 2006

Robert W. Dietrich
Dietrich & Cuzydlo PLLC
1400 Abbott Road, Suite 400
East Lansing, MI 48823

Re: In re Kay Nadine Ingles, Case No. 04-11953

Dear Mr. Dietrich:

This will confirm the agreement between the Debtor, Kay Nadine Ingles, and the Trustee regarding the 2002 Skyline mobile home, S/N 9T380487PAB (the "Mobile Home").

The Trustee is in the process of obtaining a judgment avoiding the security interest of SunTrust Bank in the Mobile Home, which security interest will be preserved for the benefit of the estate pursuant to 11 U.S.C. § 551. This agreement is subject to the Trustee successfully avoiding SunTrust's security interest.

Debtor has agreed to purchase the security interest from the Trustee for \$30,000.00. The purchase price must be paid to the Trustee in cash or certified funds within five (5) days after the bankruptcy court's order approving this agreement becomes a final order. This agreement is subject higher and better offers and bankruptcy court approval.

The Trustee is making no representations or warranties whatsoever regarding the Mobile Home.

If the above accurately reflects the agreement we discussed, please have Ms. Ingles sign and date a copy of this letter and return it to me as soon as possible. I will then file a motion to obtain bankruptcy court approval of this agreement.

Thank you for your assistance. If you have any questions, please call me immediately.

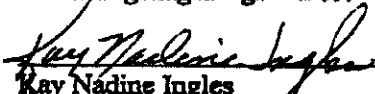
Very truly yours,

ANDREW J. GERDES, P.L.C.
Attorneys for Jeff A. Moyer,
Trustee for Kay Nadine Ingles

By: 

Andrew J. Gerdes

The foregoing is agreed to:


Kay Nadine Ingles
cc: Jeff A. Moyer, Esq.

Date: 8.4.06